

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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:
WALKER INTERNATIONAL HOLDINGS, LTD.,
:
Plaintiff,
:
- against -
:
THE REPUBLIC OF CONGO,
:
Defendant,
:
CMS NOMEKO CONGO INC.,
:
Garnishee.
:
-----X

**PLAINTIFF'S EMERGENCY MOTION FOR AN ORDER
TO SHOW CAUSE FOR A WRIT OF ATTACHMENT *FIERI FACIAS*,
ORDER OF SEQUESTRATION AND PRELIMINARY INJUNCTION**

TO:

VIA HAND DELIVERY
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VIA FIRST CLASS MAIL
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PLEASE TAKE NOTICE that Pursuant to Federal Rules of Civil Procedure 69 and 70, 10 Del. C. § 366, Delaware Superior Court Civil Rule 5(aa) and Delaware Chancery Court Rule 4(db), plaintiff/judgment creditor Walker International Holdings Limited ("Walker"), by and through its undersigned counsel, hereby moves for Garnishee CMS Nomeco Congo, Inc. (now CMS Nomeco Congo LLC ("CMS")) to show cause why it should not put money aside (royalty payments) pending a hearing on the motion for an the entry of an order, in the form attached

hereto: (i) directing the Clerk of this Court to issue a writ of attachment *fiери facias* (garnishment) pursuant to Delaware Superior Court Civil Rule 5(aa) against Garnishee-Delaware-corporation CMS Nomeco Congo, Inc. (now CMS Nomeco Congo LLC (“CMS”)), in accordance with Section 1610 (c) of the Foreign Sovereign Immunities Act (“FSIA”) 28 U.S.C. § 1610(c); (ii) issuing an order of sequestration pursuant to 10 Del. C. § 366 and Delaware Chancery Court Rule 4(db), thereby seizing all property of the defendant Congo in the possession of CMS, including Congo’s right to receive royalties under the Convention and (iii) enjoining CMS from taking any further action to remove from the jurisdiction of this Court any interest in the Convention dated May 25, 1979, between CMS as venture partner with the Republic of Congo (“Congo”) including its obligation to make royalty payments to defendant Congo pending the disposition of this action. The grounds for this Motion are set forth in Plaintiff’s Opening Brief in Support of its Motion and the supporting Affidavit of James W. Perkins filed contemporaneously herewith.

DATED: January 11, 2007
Wilmington, Delaware

Respectfully submitted,

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